IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

MARJORIE E. WOODS, \text{\text{on \text{\text{on \text{\text{on \text{\text{on \text{\text{on \text{\text{on \text{\text{on \text{\text{on \text{on \text{\text{on \text{on \text{on \text{\text{on \text{on \text{

SA-19-CV-00446-DAE Plaintiff,

VS.

TOM TORKELSON, CEO, IDEA PUBLIC SCHOOLS; AND RYANE BURKE, PRINCIPAL, IDEA WALZEM ACADEMY.

Defendants.

ORDER

Before the Court in the above-styled cause of action is Plaintiff's pro se Application to Proceed in District Court without Prepaying Fees or Costs and proposed Complaint, filed April 29, 2019 [#1], by which Plaintiff seeks leave to proceed in forma pauperis ("IFP") based on her inability to afford court fees and costs. This case was automatically referred to the undersigned upon filing for disposition of the IFP application and any pending motion for appointment of counsel, as well as a prompt review of the substance of Plaintiff's proposed Complaint and a recommendation to the District Court if it appears this case should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e). The undersigned has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). Having considered the motion and supporting documentation provided by Plaintiff, the Court will grant the motion to proceed IFP. Having reviewed Plaintiff's proposed Complaint, the undersigned concludes it contains at least one non-frivolous claim and should not be dismissed at this time and should be served on Defendants.

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for a writ of habeas corpus, must pay a filing fee of \$350, as well as an administrative fee. See 28 U.S.C. § 1914(a). Plaintiff's motion to proceed IFP includes her income and asset information, which indicates that Plaintiff is unemployed and has no other source of income. Plaintiff has no savings or assets and is behind on her bills and loan payments. This information demonstrates that Plaintiff does not have sufficient monthly resources available to pay the filing fee, and the Court will grant the motion to proceed IFP.

IT IS THEREFORE ORDERED that Plaintiff's *pro se* Application to Proceed in District Court without Prepaying Fees or Costs [#1] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint [#1-1] shall be filed by the Clerk without prepayment of fees, costs or the giving of security therefor, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff.

IT IS FURTHER ORDERED that, if not already accomplished, within ten (10) days of the date of this Order, Plaintiff shall submit to the Clerk's Office a fully completed United States Marshal Service Form 285, including fully complete addresses, for each Defendant required to be served and the United States Marshal's Service shall serve each Defendant with a copy of the Complaint and a copy of this order by certified mail, return receipt requested.

SIGNED this 6th day of May, 2019.

ELIZABETH S. ("BETSY") CHESTNEY UNITED STATES MAGISTRATE JUDGE

¹ The administrative fee, which is currently \$50, is waived for plaintiffs who are granted IFP status. *See District Court Miscellaneous Fee Schedule*, available at http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule.